

1 BARRY J. PORTMAN  
Federal Public Defender  
2 ELIZABETH M. FALK  
Assistant Federal Public Defender  
3 450 Golden Gate Avenue  
San Francisco, CA 94102  
4 Telephone: (415) 436-7700  
5 Counsel for MENDIZABAL-CUYA

**FILED**  
OCT X 5 2007  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,  
11  
12 Plaintiff,

13 v.

14 OSCAR LUIS MENDIZABAL-  
CUYA,

15 Defendant

)  
) No. CR-07-0623 EMC

)  
) **MOTION AND ~~PROPOSED~~**  
) **ORDER FOR RELEASE FROM**  
) **CUSTODY**

)  
) Hearing: October 3, 2007  
) Time: 9:30 a.m.

)  
) Magistrate Judge Edward Chen/Nandor  
) Vadas

16  
17  
18 On October 3, 2007, Mr. Oscar Luis Mendizabal-Cuya was sentenced to one week of custody  
19 by the Honorable Edward M. Chen, who is not available today to sign this Release Order. At the  
20 hearing, both parties agreed that the week would toll on Friday, October 5, 2007, as Mr. Mendizabal-  
21 Cuya was arrested by U.S. Park Police on Saturday, September 29, 2007. As today is October 5,  
22 2007, and no further custody time was ordered by Judge Chen, Mr. Mendizabal-Cuya now

23 //

24 //

25 //

26 //

ORDER FOR RELEASE  
No. CR 3-07-0623 EMC

1 //

2 moves this honorable Court to order his release from federal custody forthwith today, October 5,  
3 2007.

4 Dated: October 5, 2007

5 Respectfully submitted,

6 BARRY J. PORTMAN  
7 Federal Public Defender

8 /S/

9 ELIZABETH M. FALK  
Assistant Public Defender

10  
11 ~~[PROPOSED]~~ ORDER  
12

13 For the aforementioned reasons, it is hereby **ORDERED** that Mr. Oscar Luis Mendizabal-Cuya  
14 be released from federal custody forthwith today, October 5, 2007.  
15

16 **IT IS SO ORDERED**

17 DATED: 10/5/07

18   
THE HONORABLE NANDOR J. VADAS  
UNITED STATES MAGISTRATE JUDGE  
19  
20  
21  
22  
23  
24

25 cc: BARRA, FPD, PTS, Marshall  
26